

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

August 27, 2013

**Relates to Item # 4**

Malibu Lakeside is a uniquely beautiful and tightly knit community within the Santa Monica Mountains. The proposal before the Board of Supervisors to build a total of two houses on two legal lots at the geographic and historical center of this community therefore deserves the County's careful scrutiny to ensure that the community character is respected and the North Area Plan is upheld. While the initial proposal considered by the Regional Planning Commission did not fully uphold the standards expected for this area, the property owner, community leaders, and county staff have since worked together to dramatically refine the proposal.

First, house sizes were reduced by more than 25% compared to the original proposal, resulting in lot coverage of only 8%—thus leaving more open space than almost every nearby improved parcel. Second, the property owner has agreed to provide a proposed Park Area for the benefit of the Malibu Lakeside homeowners. Third, the property owner has agreed to provide a viewshed protection area at the intersection of Paiute Dr. and Craggs Dr., which is the part of the property most visible to residents and other visitors first entering the community.

Finally, the property owner and community have looked to the best of the newer

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developments in the vicinity of the subject property to identify the quality and style of development and natural landscaping that would help ensure the proposed project will be truly compatible with the aesthetic character of the Malibu Lakeside community. Using the “Ranch” or similar style homes and landscaping conditions required by Conditional Use Permit No. 97-180-(3) (applied for by Vintage Communities, Inc.) as a model, the community and property owner have agreed to a detailed set of landscaping and architectural conditions which are set forth below. In addition, the Director of Regional Planning must provide an opportunity for additional community input on the final landscaping plans before he approves those plans.

While no agreement is perfect, the combined willingness of the property owner and the community to work together has resulted in reduced home sizes, a Park Area for the benefit of the community, preservation of the most critical viewshed protection area on the property, and a binding set of aesthetic conditions. On this basis, the Board of Supervisors and the surrounding homeowners can be confident that the new development will be done in a manner that respects both the community of Malibu Lakeside and the natural environment.

**I, THEREFORE, MOVE** that the Board of Supervisors close the public hearing; adopt the mitigated negative declaration and mitigation monitoring program prepared for the project; indicate the Board’s intent to approve Project No. R2010-01071-(3), Conditional Use Permit No. 201100012-(3), and Oak Tree Permit No. 201100011-(3) subject to the following modifications; and, direct the County Counsel to prepare the final findings and conditions subject to the following modifications and bring back final documents for the Board's consideration at a future Board meeting:

- 1) As agreed by the applicant, the irrevocable offer to dedicate an easement or other interest mutually acceptable to the Malibu Lakeside Homeowners Association for community recreational access uses ("Park Area") shall be expanded to be approximately 25,712 square feet in area and to be consistent with the exhibit presented by Regional Planning Staff at today's hearing;
- 2) Conditions 23-26 as approved by the Regional Planning Commission shall be replaced with the following language:
  - a. The permittee shall use subdued earth-tone colors and / or textures that blend with the local area on the exterior of the two single-family residences, including trim and accessory structures (except for split rail fences which may be painted in white tones). The exterior of each of the structures, including the garage, shall use at least three different textures. Subject to the review and approval of the Director, (i) the primary colors used in such structures shall be "earth tones" (such as beige, sand, taupe, or similar colors), and (ii) the predominate roof colors of each structure shall be of a slate tone and shall not have black, white, light gray, or red Spanish tile as a predominate color or material. Both residential dwellings to be constructed shall conform to "Ranch" or a similar style, but shall be of varied, non-repetitive designs.
  - b. All building facades shall be varied, recessed, and articulated with use of balconies, porches, patios, or bay windows. Modern architecture, flat roofs, predominantly glass walls, and long unbroken building walls exceeding 30 feet in length shall be prohibited.

- c. The single-family residences shall be limited to two stories and maximum 32 feet in height. The floor area of the second floor shall be a maximum of 50% of the floor area of the first floor in order to provide varied building bulk and interest and ensure compatibility with surrounding residences.
- d. Three copies of a landscape plan, prepared by a licensed landscape architect shall be submitted to and approved by the Director prior to the issuance of any building permit within the project area. Said landscape plan shall indicate the size, type, and location of all trees, plants, and irrigation facilities. All landscaping shall predominantly consist of drought-tolerant locally indigenous native species and shall be maintained in a neat, clean, and healthful condition, including proper pruning, weeding, fertilizing, and replacement of plants when necessary to maintain compliance without this condition. Except as required by the Fire Department or other regulatory agency, the permittee shall predominantly use plant species contained in the California Native Plant Society ("CNPS") list for all project landscaping. Said landscaping plan shall also depict the location of mature trees (i.e. 60-inch box specimens) and landscaping along the subject properties' frontages along Craggs Dr., Seminole Dr., Paiute Dr. and dedicated area to the satisfaction of the staff senior biologist. Except to the extent necessary to meet fire safety or other regulatory requirements, the permittee shall use a watering system, such as drip irrigation, designed to conserve water, irrigation shall only be used until the plants are well established and, thereafter, only as necessary to maintain the health of the plants. The

approved landscape plan shall be implemented within six months of authorization of occupancy.

- e. In addition to review and approval by the Director of Regional Planning, the landscape plan shall be reviewed by the staff biologist of the Department of Regional Planning and the Los Angeles County Fire Department. Their review shall include an evaluation of the balance of structural diversity (e.g. trees, shrubs, and groundcover) that would be expected 24 months after planting in compliance with fire safety requirements. The landscaping shall be maintained in compliance with the approved plans on file.
- f. To the satisfaction of the Director, the landscaping shall, when combined with the setbacks and articulation of the structure, (i) reasonably screen the residences from publicly accessible frontages within a reasonable period of time following issuance of a certificate of occupancy; (ii) prevent uninterrupted views of any portion of a structure that exceeds 25 feet in length as seen from any public vantage point; and, (iii) create a naturalized, rather than an artificial, manicured, or suburban appearance. When viewed from all publicly accessible vantage points, the residential structures shall appear to be nestled within native vegetation, rather than dominate over the naturalized landscaping, and shall blend harmoniously with the surrounding environment and built community.
- g. In addition to those trees required by the Green Building Ordinance, and in addition to existing oak trees preserved on the property, the landscaping shall include a minimum of four native trees planted on each lot between the

residences and areas that are open to view from publicly accessible areas and neighboring properties.

- h. Prior to the issuance of any grading and / or building permit, site plans depicting exterior elevations, including colors, shall be submitted to and approved by the Director to ensure compliance with the conditions of this grant. The permittee shall submit a Revised Exhibit “A” to the Director depicting compliance.
  - i. Prior to County approval of the landscape plan, the Director of Regional Planning shall make the overall project landscape plan available to the public for a period of not less than 30 days, during which time the Director shall take public input on the plan. The Director’s determination as to whether to approve the landscape plan shall be based solely on the Director’s determination as to whether the landscaping plan conforms to the conditions of this grant.
- 3) In lieu of the offer to dedicate additional street widening to accommodate the school bus stop specified in Condition 31, as agreed, the applicant shall provide to the Malibu Lakeside Homeowners Association an irrevocable offer to dedicate an easement or other interest mutually acceptable to the Malibu Lakeside Homeowners Association covering the “Bus Stop Replacement Area” depicted on the exhibit presented by Regional Planning staff at today’s hearing;
- 4) The uses allowed within the “Park Area” shall include uses of a social, community, and recreational character typically found in a neighborhood park. No structures or earthwork requiring a permit from the Department of Public Works, Building & Safety Division shall be erected or performed, no poultry raising or other similar agricultural

uses shall be allowed, and no parking shall be allowed within the Park Area except for special events for which a Temporary Use Permit has first been obtained;

- 5) All junk, salvage, debris, and inoperable vehicles on the subject property shall be removed within 45 days of the effective date of this permit and the property shall be maintained free of these items during the life of the permit; and,
- 6) The use of anti-coagulant rodenticides anywhere on the subject property shall be prohibited.

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